

JAP:ALC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1039

- - - - -X

UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

RICARDO ALEXANDER MARTINEZ RIVERA,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

KYLER HARDIN, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, on or about September 9, 2010, within the Eastern District of New York and elsewhere, defendant RICARDO ALEXANDER MARTINEZ RIVERA did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about September 9, 2010, RICARDO ALEXANDER MARTINEZ RIVERA arrived at John F. Kennedy International Airport ("J.F.K. Airport") in Queens, New York, aboard TACA Airline Flight 570 from Guatemala via El Salvador.

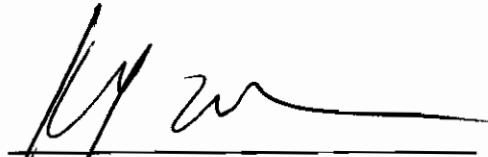
2. Defendant RICARDO ALEXANDER MARTINEZ RIVERA was selected for a Customs and Border Protection ("CBP") examination. The defendant presented for inspection one green Oleg Cassini "Sport" bag. The defendant answered in the affirmative when asked if the bag and all of its contents belonged to him.

3. During the subsequent inspection of his bag, CBP officers found four cans of "Malher" fried black beans. The cans felt unusually heavy and stiff. One can was opened to reveal a powdery substance that field-tested positive for the presence of heroin.

4. The total approximate gross weight of the heroin found in defendant RICARDO ALEXANDER MARTINEZ RIVERA's bag is 3,444.2 grams.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

WHEREFORE, your deponent respectfully requests that defendant RICARDO ALEXANDER MARTINEZ RIVERA be dealt with according to law.



KYLER HARDIN
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me this
10th day of September, 2010

—
—
E